

**AMENDMENTS TO THE DRAWINGS:**

Submitted herewith is a replacement sheet for Figure 1. The replacement sheet differs from the original Figure 1, in that it includes the reference number "1".

## REMARKS

The Examiner is thanked for the careful examination of the application, and for the suggestions for amending the application. However, in view of the foregoing amendments and the remarks that follow, the Examiner is respectfully requested to reconsider and allow the application.

### ***Drawings:***

A replacement sheet for Figure 1 is submitted herewith which includes the reference numeral 1. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the objection to the drawings.

### ***Art Rejections:***

Claims 1 – 16 have been rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,504,621, hereinafter *Salgado*, in view of JP 11-041429, hereinafter *Mishima*.

The present invention is directed to a data processing apparatus and method. It is an object of the invention to resolve conflicts in resources when a plurality of requests is made to an MFP. In particular, the invention is concerned with processing a scanning job when an external job is being executed by the compressing/expanding device of the MFP. See paragraphs [0016] and [0018] of the publication of the present application.

For example, claim 1 relates to a data processing apparatus that has an image reader for reading an original, a transmitter capable of transmitting image data of the original read by the image reader as a scanning job to an outside, and a

receiver capable of receiving an external job transmitted from an outside. The device further includes, among other things, a controller that discriminates whether an activation instruction of the scanning job is made by an operation device of the image data processor or from an outside in cases where a request for processing the image data of the scanning job is made when the data of the external job is being compressed or expanded. The controller also controls execution of the external job and the scanning job depending on the discrimination result.

Thus, the controller of claim 1 *discriminates whether a request for a scanning job came from an operation device of the image data processor or from an outside*. In a preferred embodiment of the present invention, the CPU 9 discriminates whether the activation instruction of a scanning job is made by an operation of the operation panel 13 (i.e., the operation device) or by a personal computer 40a (remote or outside activation). See paragraph [0044].

In the rejection of claim 1, the Office Action refers to a rather large portion of the *Salgado* reference to show where *Salgado* allegedly teaches the claimed controller that discriminates whether an activation instruction of a scanning job is made by the operation device or from an outside. See lines 4 – 7 on page 4 of the Official Action.

However, a careful review of *Salgado* did not reveal a teaching of activating a scanning job from the outside. *Salgado* refers to “copy/scan & other walkup operations” (column 15, lines 65 – 66); faxes (column 16, line1); and net printing (column 16, line 6). However, *Salgado* does not specifically make reference to instructing or activating a scanning job from an outside source.

The Examiner also alleges that *Mishima* teaches a controller for discriminating whether an activation instruction of a scanning job is made by the operation device or from an outside, citing to paragraphs 11, 15, and 35 – 36 of *Mishima*. However, the corresponding paragraphs of the U.S. patent (U.S. Patent No. 6,381,031) also do not teach or suggest instructing or activating a scanning job from an outside source.

Since neither *Salgado* nor *Mishima* teaches or suggests instructing or activating a scanning job from an outside source, neither reference, either alone or in combination teaches or suggests the claimed controller which, among other things, discriminates whether an activation instruction of the scanning job is made by an operation device of the image data processor or from an outside in cases where a request for processing the image data of the scanning job is made when the data of the external job is being compressed or expanded.

In the event that the Examiner is of the opinion that such alleged teachings are in the cited references, the Examiner is respectfully requested to identify their locations with greater specificity.


Accordingly, claim 1 is patentable over the applied prior art. The remaining claims also define combinations that relate to discriminating whether an activation instruction of the scanning job is made by an operation device of the image data processor or from an outside in cases where a request for processing the image data of the scanning job is made when the data of the external job is being compressed or expanded. Accordingly, the remaining claims are also patentable over the applied prior art. The Examiner is therefore respectfully requested to reconsider and withdraw the art rejections.

In the event that there are any questions concerning this response, or the application in general, the Examiner is encouraged to telephone the undersigned attorney.

Respectfully submitted,

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